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RESOLUTION 992 (1995)

Adopted by the Security Council at its 3533rd meeting,
on 11 May 1995

The Security Council,

Recalling all its previous relevant resolutions on the former Yugoslavia, and in particular its resolution 820 (1993),

Desiring to promote free and unhindered navigation on the Danube in accordance with those resolutions,

Recalling statements made by the President of the Security Council on freedom of navigation on the Danube, in particular that made on 13 October 1993 (S/26572) expressing concern about the imposition of illegal tolls on foreign vessels transiting the section of the Danube which passes through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro),

Reminding States of their obligations under paragraph 5 of resolution 757 (1992) not to make available to the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) or to any commercial, industrial or public utility undertaking in the Federal Republic of Yugoslavia (Serbia and Montenegro) any funds or any other financial or economic resources and to prevent their nationals from making available to those authorities or to any such undertaking any such funds or resources, and noting that flag States may submit claims to the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) for reimbursement of tolls illegally imposed on their vessels transiting the section of the Danube which passes through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro),

Taking note of the letter (S/1995/372) of the Chairman of the Committee established pursuant to resolution 724 (1991) regarding use by vessels registered in, or owned or controlled by persons in, the Federal Republic of Yugoslavia (Serbia and Montenegro) of the locks of the Iron Gates I system on the left hand bank of the Danube while repairs are carried out to the locks on the right hand bank,

Recognizing that the use by vessels registered in, or owned or controlled by persons in, the Federal Republic of Yugoslavia (Serbia and Montenegro) of these locks will require an exemption from the provisions of paragraph 16 of resolution 820 (1993) and acting, in this respect, under Chapter VII of the Charter of the United Nations,

1. Decides that the use of the locks of the Iron Gates I system on the left hand bank of the Danube by vessels (a) registered in the Federal Republic of Yugoslavia (Serbia and Montenegro) or (b) in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) shall be permitted in accordance with this resolution;

2. Further decides that this resolution shall come into force on the day following the receipt by the Council from the Committee established pursuant to resolution 724 (1991) of a report by the Danube Commission that they are satisfied that preparations for the repairs to the locks of the Iron Gates I system on the right hand bank of the Danube have been completed; and that this resolution shall remain in force, subject to paragraph 6 below, for a period of 60 days from the date on which it comes into force, and, unless the Council decides otherwise, for further periods of up to 60 days if the Council is notified by the Committee established pursuant to resolution 724 (1991) that each such further period is required for completion of the necessary repairs;

3. Requests the Government of Romania, with the assistance of the European Union/Organization for Security and Cooperation in Europe Sanctions Assistance Missions, strictly to monitor this use including if necessary by inspections of the vessels and their cargo, to ensure that no goods are loaded or unloaded during the passage by the vessels through the locks of the Iron Gates I system;

4. Further requests the Government of Romania to deny passage through the locks of the Iron Gates I system on the left hand bank of the Danube to any vessel using the locks of the Iron Gates I system under the authority of paragraph 1 above which is identified as being a party to any suspected or substantiated violation of the relevant Council resolutions;

5. Requests the Sanctions Assistance Missions Communications Centre to report to the Committee established pursuant to resolution 724 (1991) and to the Romanian authorities operating the locks of the Iron Gates I system on the left hand bank of the Danube any suspected violation of any of the relevant Council resolutions by vessels using the locks of the Iron Gates I system under the authority of paragraph 1 above and to transmit to the Committee and to the Romanian authorities evidence that any such violation has in fact occurred; and decides that the Chairman of the Committee shall, after consulting members of the Committee, transmit to the Council any substantiated evidence of such a violation forthwith;

6. Decides that the exemption provided for in paragraph 1 above shall terminate on the third working day after the Council receives substantiated evidence from the Chairman of the Committee established pursuant to resolution 724 (1991) of a violation of any of the relevant resolutions of the Council by a vessel using the locks of the Iron Gates I system under the authority of

paragraph 1 above, unless the Council decides to the contrary, and that the Government of Romania shall be so informed immediately;

7. Requests the Executive Director of the Danube Commission to inform the Chairman of the Committee established pursuant to resolution 724 (1991) of the date of completion of the repairs, or, if the repairs have not been completed within 60 days of the entry into force of this resolution, or within the subsequent periods of up to 60 days for which the provisions of this resolution may be extended, to provide the Chairman with a report on the state of the repairs 10 days before the expiry of any such period;

8. Confirms that, in accordance with the provisions of resolution 760 (1992), the importation into the Federal Republic of Yugoslavia (Serbia and Montenegro) of supplies essential to the repair of the locks on the right hand bank of the Danube may be approved in accordance with the procedures of the Committee established pursuant to resolution 724 (1991) at a meeting or meetings of the Committee;

9. Decides to remain seized of the matter.